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COMMITTEE ON APPROPRIATIONS  
SELECT COMMITTEE ON INTELLIGENCE

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0917**

September 12, 2016

Chairman Pete Sessions  
Committee on Rules  
United States House of Representatives  
H-312, the Capitol  
Washington, DC 20515

Chairman Steve Stivers  
Subcommittee on Rules and  
Organization of the House  
H-312, the Capitol  
Washington, DC 20515

Dear Chairman Sessions and Chairman Stivers:

Thank you for providing members an opportunity to testify with our thoughts on possible changes to the House Rules for the 115<sup>th</sup> Congress. I look forward to the Committee's hearing on September 14<sup>th</sup>.

I would like to testify at the hearing regarding language I drafted with Congressman John Culberson that would exclude provisions relating to existing or proposed water resources development projects of the Army Corps of Engineers from the definition of an earmark, thus allowing members greater control over federal spending on local projects.

Please let me know if you have any questions or need any additional information. Thank you for your time and consideration.

Sincerely,



Thomas J. Rooney

114TH CONGRESS  
2D SESSION

# H. RES. 813

Amending the rules of the House of Representatives to exclude provisions relating to existing or proposed water resources development projects of the Corps of Engineers from the definition of congressional earmark, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 7, 2016

Mr. ROONEY of Florida submitted the following resolution; which was referred to the Committee on Rules

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# RESOLUTION

Amending the rules of the House of Representatives to exclude provisions relating to existing or proposed water resources development projects of the Corps of Engineers from the definition of congressional earmark, and for other purposes.

Whereas the rules of the House of Representatives define an earmark as a Member request for funding targeted to a specific State, locality, or congressional district, other than through a statutory or administrative formula driven or competitive award process;

Whereas Federal funds appropriated to the Corps of Engineers (Corps) for water resources development projects are not distributed based on statutory formulas or competitive grants;

Whereas the Founders of the Nation regarded the power of the purse as the fundamental authority of Congress to limit executive branch power and as the “most complete and effectual weapon with which any constitution can arm the immediate representatives of the people”;

Whereas the “earmark moratorium” has ceded congressional authority over inherently local Corps projects to the executive branch, which has resulted in a backlog of authorized Corps studies and projects that have not received appropriations to date; and

Whereas this resolution does not preclude the requirement that a Corps project receive an authorization prior to the allocation of appropriations for the project: Now, therefore, be it

1       *Resolved,*

2       **SECTION 1. SENSE OF HOUSE ON LIFTING EARMARK MORA-**  
 3                               **TORIUM FOR WRDA PROJECTS.**

4       The House of Representatives urges the adoption of  
 5 an amendment to the rules of the House Republican Con-  
 6 ference to lift the “earmark moratorium” on requests for  
 7 Federal appropriations for water resources development  
 8 projects of the Corps of Engineers in order to restore the  
 9 authority of Congress to direct funds to State and local  
 10 projects and to limit executive power.

11       **SEC. 2. AMENDMENT OF HOUSE RULES.**

12       Clause 9(e) of rule XXI of the Rules of the House  
 13 of Representatives is amended—

1           (1) by striking “(e) For the purpose” and in-  
2           serting “(e)(1) For the purpose”; and

3           (2) by adding at the end the following:

4           “(2) For the purpose of this clause, the term ‘con-  
5           gressional earmark’ does not include a provision or report  
6           language described in subparagraph (1) if the provision  
7           or report language relates to an existing or proposed water  
8           resources development project of the Corps of Engineers.”.

○

## **Restore Congressional Control Over the Army Corps of Engineers Budget Cosponsor the Rooney Resolution – H. Res. 813**

**Current cosponsors:** Rooney, Yoho, *Frankel*, Crenshaw, *Al Green*, Harper, Donovan, *Capuano*, *Peterson*, *Lipinski*, Nugent, *Bennie Thompson*, Clawson, *Ruppersberger*, Boustany, Culberson, *Grijalva*

Dear Colleague,

One of the first votes I cast when Republicans took control of the House in 2010 was in support of the ban on earmarks that stands in the Rules of the House to this day. At the time, we had good intentions of reforming the system and reining in spending. However, what we didn't fully consider was the impact of the earmark ban on Congress' ability to exert oversight and control over funding for inherently local projects run in conjunction with the federal government, like those funded by the Army Corps of Engineers.

Our constituents experience the real consequences of the federal government's missteps, delays and funding shortfalls and it's rewarding when we're able to successfully intervene on their behalf. My constituents' longstanding grievances with the Corps have been on full display in my backyard this year as Florida experienced its wettest dry season since 1932. The excess rain has caused Lake Okeechobee to rise to unseasonably high levels, in turn forcing the Army Corps of Engineers and State Water Management District officials to call for large-scale discharges of fresh water out toward the coasts. Algae blooms have arisen as a result of excess fresh water mixing with the residential runoff in our coastal communities, and Floridians have been inundated with both informed facts and uninformed opinions on who's to blame and who's coming to the rescue.

I am proud to represent a district that's made real progress because of, not in spite of, the successful cooperation among ranchers, farmers, conservation groups and state and local governments and their willingness to share responsibility with the federal government to complete one of the largest ecosystem restoration projects in the world. Historically, the annual appropriations process allowed us to directly influence the level of Corps' funding for specific projects whereby we could give the Corps more money for projects that were underfunded in the President's annual budget submission. Now, this practice is considered an earmark under House Rules and therefore banned under the moratorium. Working within the confines of the Rules, Congress has provided additional funding over the president's request to "overflow" accounts to supplement deficiencies in the Corps budget. While we can equip the Corps with these funds and hope our directives steer them to projects in our districts, ultimately the executive branch retains complete discretion over the distribution of project-specific funding allocations.

By leaving the fate of Corps projects squarely in the hands of the executive branch, we can all but guarantee that no one's coming to the rescue anytime soon.

For example, despite the backlog of authorized Corps studies and projects, the [Corps' Fiscal Year 2017 request](#) for all construction projects totaled \$1.09 billion (\$772.2 million below the FY16 enacted level), most of which would be for projects authorized in 2007 or earlier. Only a fraction of the funds requested in FY2017 would be for new construction projects authorized by the Water Resources Reform and Development Act of 2014, despite that as of May 2016, the Corps' Chief of Engineers had [completed reports](#) (i.e., "Chief's Reports") with favorable construction recommendations for 28 projects, at a total federal cost of \$5.09 billion.

For these reasons, I urge you to consider cosponsoring [H. Res. 813](#), which would amend the House Rules to exclude provisions relating to existing or proposed water resources development projects of the Army



Corps of Engineers from the definition of congressional earmark. Further, the Resolution urges the adoption of an amendment to the House and Conference Rules to lift the “earmark moratorium” on requests for federal appropriations for the Army Corps of Engineers in order to restore Congress’ authority to direct funds to state and local projects and to limit executive power.

Corps projects affect all of our districts, and these critical waterways management and flood prevention projects have an outsize impact on our friends and neighbors. There are several authorized Corps projects in my district that need more funding than the Administration is willing to expend (and that have willing local partners ready to chip in their fair share), and the lack of options to make up the difference through the appropriations process is maddening (and largely self-inflicted). We’ve ceded what James Madison regarded as our “most complete and effectual weapon with which any constitution can arm the immediate representatives of the people.” Let’s take it back.

Keep the Faith,  
Tom